

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

BETTY JEAN ROY, )  
                        )  
Plaintiff,         )  
                        )  
v.                    )  
                        )  
STRATUS SECURITY MANAGEMENT, )  
                        )  
Defendant.         )

## **MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff Betty Jean Roy's motion for leave to proceed in forma pauperis in this employment discrimination action. Upon consideration of the motion and the financial information provided therein, the Court finds that plaintiff is unable to pay the filing fee. The Court will therefore grant plaintiff leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

Under 28 U.S.C. § 1915(e)(2), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. Plaintiff alleges she was denied employment on the basis of her race and her age, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, and the Age Discrimination in Employment Act, 29 U.S.C. §§ 621-634. Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) alleging the same claims, and on November 7, 2019, the EEOC sent her a Dismissal and Notice of Rights, giving her ninety days in which to file a lawsuit under federal law. Plaintiff filed this action on November 22, 2019. It therefore appears that plaintiff’s lawsuit is timely, and that she has exhausted her administrative remedies. The Court will therefore allow this case to proceed against Stratus Security Management.

Plaintiff has also filed a motion for the appointment of counsel. “A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case.” *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether to appoint counsel for an indigent litigant, a court considers factors such as the complexity of the case, the litigant’s ability to investigate the facts, and the litigant’s ability to present her claims. *Id.* After considering these factors, the Court concludes that the appointment of counsel is not warranted at this time. Based upon the complaint, it does not appear that this case is complex, nor does it appear that plaintiff will be unable to investigate the facts or clearly present her claims. Additionally, the motion is premature, as the defendant has yet to be served with process. The Court will deny the motion for the appointment of counsel without prejudice, but will entertain future motions for the appointment of counsel, if appropriate.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion for leave to proceed in forma pauperis (ECF No. 2) is **GRANTED**.

**IT IS FURTHER ORDERED** that plaintiff’s Motion to Appoint Counsel (ECF No. 3) is **DENIED** without prejudice.

**IT IS FINALLY ORDERED** that the Clerk is directed to issue process or cause process to issue upon the complaint as to defendant Stratus Security Management via its registered agent, BlumbergExcelsior Corporate Services, Inc., 222 E. Dunklin, Suite 102, Jefferson City, Missouri 65101.

  
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NANNETTE A. BAKER  
UNITED STATES MAGISTRATE JUDGE

Dated this 19th day of December, 2019.